HONOURABLE SRI JUSTICE A. GOPAL REDDY

AND

HONOURABLE SRI JUSTICE G. BHAVANI PRASAD

W.P.No.25744 of 2007

DATE: 27.12.2007

Between:

Yaddanapudi Arul Mariya Raju,
Under Trial Prisioner, District Jail,
Guntur.

…. Petitioner

And:

Inspector of Police, C.C.S., Guntur,
Guntur District and others

…. Respondents

ORDER: (Per. Hon'ble Sri Justice A. Gopal Reddy)

A representation sent by the petitioner to the Hon'ble the Chief Justice alleging that on 12.12.2006, the Inspector of Police, Central Crime Station, Guntur, came in the midnight along with Sub-Inspector of Police, Pattabhipuram Crime Police Station and constables Subhani and Satyanarayana, picked him from the bed, thrown in the jeep forcibly and kept him in the lock up of Pattabhipuram, and on the next day i.e. on 13.12.2006, they brought him to his house and forcibly looted his entire samans, cash, deposit receipts and postal deposit book and beat him in black and blue. It is further alleged that he was taken up to the Nagaralu Post Office on 15.12.2006 and obtained his

signatures forcibly and withdrew an amount of Rs.1,00,000/- and again kept him in lock up. Again, the same persons took him to the post office in a jeep on 18.12.2006 and obtained his signatures forcibly in the presence of postal staff and withdrew an amount of Rs.2,00,000/- and the same was swallowed by the said persons. It is further alleged that after 14 days i.e. on 26.12.2006 the said persons showed his arrest and remanded him to judicial custody by foisting false cases of gold theft and the police remanded him in 24 cases in different stations and in different courts in Guntur Town, which are now pending before IV, V and VI Additional Metropolitan Magistrate's Courts, Guntur and hence, the representation has taken up as writ petition.

In response to the notice, the Sub-Inspector of Police, Pattabhipuram Crime Police Station, Guntur filed an affidavit stating that he the petitioner was involved in 15 cases viz., Cr.No.16 of 2006, Cr.No.23 of 2006, Cr.No.29 of 2006, Cr.No.30 of 2006, Cr.No.37 of 2006, Cr.No.517 of 2006, Cr.No.550 of 2006, Cr.No.604 of 2006, Cr.No.645 of 2006, Cr.No.737 of 2006, Cr.No.788 of 2006, Cr.No.796 of 2006, Cr.No.807 of 2006, Cr.No.808 of 2006, Cr.No.831 of 2006, which were registered in Pattabhipuram Crime Police Station for the offences under Sections 457 and 380 IPC, in which respective charge sheets were filed before concerned Courts and some of the cases were numbered as calender cases and some of them are yet to be taken on file by respective Courts. It is further stated that he was also involved in Cr.No.769 of 2006 under Section 380 IPC and Cr.No.783 of 2006 under Section 379 IPC on the file of Lalapet Crime Police Station at Guntur. It is further stated that in Cr.No.787 of 2006, after filing charge sheet, the VI Additional Metropolitan Magistrate at Guntur, convicted the petitioner in C.C.No.452 of 2007 and sentenced him to suffer Rigorous Imprisonment for a period of nine months by his judgment dated 22.9.2007 and he is undergoing imprisonment at

District Jail, Guntur. In Cr.No.803 of 2006 after filing charge sheet in C.C.No.146 of 2007, the VI Additional Munsif Magistrate at Guntur convicted the petitioner-A2 and sentenced him to suffer Simple Imprisonment for a period of three months by its judgment dated 9.4.2007. In C.C.No.230 of 2007 arising out of Cr.No.716 of 2006 in which he was arrayed as A-1, the Special Mobile Magistrate at Guntur acquitted him vide its judgment dated 31.7.2007. The case against petitioner-A2 in C.C.No.598 of 2007 arising out of Cr.No.791 of 2006 on the file of Special Mobile Magistrate, Guntur was split up by the Magistrate and kept it pending for trial. It is further stated that on 26.12.2006 at 3.30P.M., the Inspector of Police arrested the petitioner in Cr.No.799 of 2006 for offences u/secs.457, 380 IPC on the file of Pattabhipuram police station and he was produced before VII Additional Munsif Magistrate on 27.12.2006 and later he was remanded to judicial custody.

Having regard to the series of cases, which were registered and where in some cases he was convicted and sentenced and in some cases necessary charge sheets were filed, no credence can be given to the allegations made in the representation about his detention by the police illegally and withdrawing an amount of Rs.2.00 lakhs as alleged in the representation.

Accordingly, the writ petition is dismissed without costs.

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A. GOPAL REDDY, J

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G. BHAVANI PRASAD, J

Date: 27th December 2007

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